

Senate Study Bill 1046

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2096SC 80
5 lh/cf/24

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1 1 Section 1. Section 9H.1, subsection 25, paragraph a, Code
1 2 2003, is amended to read as follows:
1 3 a. Corporations organized under the provisions of chapter
1 4 504, Code 1989, or chapter 504A; or
1 5 Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended
1 6 to read as follows:
1 7 33. "Testamentary trust" means a trust created by devising
1 8 or bequeathing property in trust in a will as such terms are
1 9 used in the Iowa probate code as provided in chapter 633.
1 10 Testamentary trust includes a revocable trust that has not
1 11 been revoked prior to the grantor's death.
1 12 Sec. 3. Section 9H.4, subsection 2, paragraph c,
1 13 subparagraph (1), Code 2003, is amended to read as follows:
1 14 (1) The corporation or limited liability company must not
1 15 hold the agricultural land other than as a lessee. The term
1 16 of the lease must be for not more than twelve years. The
1 17 corporation or limited liability company shall not renew a
1 18 lease. The corporation or limited liability company shall not
1 19 enter into a lease under this paragraph, if the corporation or
1 20 limited liability company has ever entered into another lease
1 21 under this paragraph "c", whether or not the lease is in
1 22 effect. However, this subparagraph does not apply to a
1 23 domestic corporation organized under chapter 504, Code 1989,
1 24 or chapter 504A.
1 25 Sec. 4. Section 9H.4, subsection 2, paragraph c,
1 26 subparagraph (4), Code 2003, is amended to read as follows:
1 27 (4) The corporation or limited liability company must
1 28 deliver a copy of the lease to the secretary of state. The
1 29 secretary of state shall notify the lessee of receipt of the
1 30 copy of the lease. However, this subparagraph does not apply
1 31 to a domestic corporation organized under chapter 504, Code
1 32 1989, or chapter 504A.
1 33 Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended
1 34 to read as follows:
1 35 3. Agricultural land, including leasehold interests,
2 1 acquired by a nonprofit corporation organized under the
2 2 provisions of chapters 504, Code 1989, and 504A including land
2 3 acquired and operated by or for a state university for
2 4 research, experimental, demonstration, foundation seed
2 5 increase or test purposes and land acquired and operated by or
2 6 for nonprofit corporations organized specifically for
2 7 research, experimental, demonstration, foundation seed
2 8 increase or test purposes in support of or in conjunction with
2 9 a state university.
2 10 Sec. 6. Section 10B.1, subsection 9, paragraph a, Code
2 11 2003, is amended to read as follows:
2 12 a. A corporation organized under the provisions of ~~former~~
2 13 chapter 504, Code 1989, or chapter 504A.
2 14 Sec. 7. Section 15E.11, Code 2003, is amended to read as
2 15 follows:
2 16 15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.
2 17 The Iowa development commission is hereby authorized to
2 18 form a corporation under the provisions of ~~former~~ chapter 504,
2 19 Code 1989, for the purpose of receiving and disbursing funds
2 20 from public or private sources to be used to further the
2 21 overall development and well-being of the state.
2 22 Sec. 8. Section 15E.42, subsection 2, Code 2003, is

2 23 amended to read as follows:

2 24 2. "Board" means the Iowa capital investment board, ~~if~~
2 25 ~~created in House File 2078 as enacted by the Seventy-ninth~~
2 26 ~~General Assembly created in section 15E.63.~~

2 27 Sec. 9. Section 15E.111, subsection 8, Code 2003, is
2 28 amended to read as follows:

2 29 8. The department of economic development and the office
2 30 of renewable fuels and coproducts shall prepare a report each
2 31 six months detailing the progress of the department and other
2 32 agencies provided in this section. The office of renewable
2 33 fuels and coproducts, the department of natural resources, and
2 34 Iowa state university may contribute a summary of their
2 35 activities. The report shall be delivered to the secretary of
3 1 the senate and the chief clerk of the house; the legislative
3 2 service bureau; the chairpersons and ranking members of the
3 3 senate standing committee on agriculture; the senate standing
3 4 committee on ~~small business, economic development, and tourism~~
3 5 ~~growth~~; the house of representatives standing committee on
3 6 agriculture; and the house of representatives standing
3 7 committee on economic ~~development~~ growth.

3 8 Sec. 10. Section 18.80, Code 2003, is amended to read as
3 9 follows:

3 10 18.80 RESERVE SUPPLY.

3 11 The ~~superintendent state printing administrator~~ shall
3 12 designate, subject to the approval of the director, the number
3 13 of copies of reports and publications to be held in reserve,
3 14 and copies thus held in reserve shall be distributed only upon
3 15 the written request of the head of the department, approved by
3 16 the ~~superintendent state printing administrator~~, and ordered
3 17 by the director.

3 18 Sec. 11. Section 18.81, Code 2003, is amended to read as
3 19 follows:

3 20 18.81 UNUSED DOCUMENTS.

3 21 The ~~superintendent state printing administrator~~ shall from
3 22 time to time report to the director any documents in the
3 23 ~~superintendent's state printing administrator's~~ custody deemed
3 24 not needed and which have been printed five years or more, and
3 25 if the report has the written approval of the head of the
3 26 department from which the documents were issued, the director
3 27 may condemn and order the documents sold, and the proceeds
3 28 turned into the unappropriated funds of the state. If a
3 29 department no longer exists, approval by the head of the
3 30 department shall not be required. If the condemned documents
3 31 cannot be sold the director may order them destroyed.

3 32 Sec. 12. Section 18.83, Code 2003, is amended to read as
3 33 follows:

3 34 18.83 INFORMATION AS TO DOCUMENTS.

3 35 The ~~superintendent state printing administrator~~ shall
4 1 advise the public of the publication of reports and documents
4 2 and of the nature of the material therein, and give
4 3 information as to the publications that are available for
4 4 distribution and how to obtain them.

4 5 Sec. 13. Section 18.84, Code 2003, is amended to read as
4 6 follows:

4 7 18.84 MAILING LISTS.

4 8 The superintendent shall require from officials or heads of
4 9 departments mailing lists, or addressed labels or envelopes,
4 10 for use in distribution of reports and documents. The
4 11 ~~superintendent state printing administrator~~ shall revise such
4 12 lists, eliminating duplications and adding to the lists
4 13 libraries, institutions, public officials, and persons having
4 14 actual use for the material. The ~~superintendent state~~
4 15 ~~printing administrator~~ shall arrange the lists so as to reduce
4 16 to the minimum the postage or other cost for delivery.
4 17 Requests for publications shall be handled only upon receipt
4 18 of postage by the ~~superintendent state printing administrator~~
4 19 from the requesting agency or department.

4 20 Sec. 14. Section 18.85, Code 2003, is amended to read as
4 21 follows:

4 22 18.85 COPIES TO DEPARTMENTS.

4 23 The ~~superintendent state printing administrator~~ shall
4 24 furnish the various officials and departments with copies of
4 25 their reports needed for office use or to be distributed to
4 26 persons requesting the reports. Requests for publications
4 27 shall be handled only upon receipt of postage by the
4 28 ~~superintendent state printing administrator~~.

4 29 Sec. 15. Section 18.86, Code 2003, is amended to read as
4 30 follows:

4 31 18.86 ASSEMBLY MEMBERS.

4 32 The official reports, the miscellaneous documents and other
4 33 publications upon request, and the completed journals of the

4 34 general assembly and ten copies of the official register,
4 35 shall be sent to each member of the general assembly, and, so
5 1 far as they are available, additional copies upon their
5 2 request. Requests for publications shall be handled only upon
5 3 receipt of postage by the ~~superintendent state printing~~
5 4 ~~administrator~~.

5 5 Sec. 16. Section 18.88, Code 2003, is amended to read as
5 6 follows:

5 7 18.88 NEWSPAPERS.

5 8 The journals of the general assembly and the official
5 9 register shall be sent to each newspaper of general
5 10 circulation in Iowa, and editors of newspapers in Iowa shall
5 11 be entitled to other publications on request when they are
5 12 available. Requests for publications shall be handled only
5 13 upon receipt of postage by the ~~superintendent state printing~~
5 14 ~~administrator~~.

5 15 Sec. 17. Section 18.92, Code 2003, is amended to read as
5 16 follows:

5 17 18.92 GENERAL DISTRIBUTION.

5 18 The ~~superintendent state printing administrator~~ may send
5 19 additional copies of publications to other state officials,
5 20 individuals, institutions, libraries, or societies that may
5 21 request them. Requests for publications shall be handled only
5 22 upon receipt of postage by the ~~superintendent state printing~~
5 23 ~~administrator~~.

5 24 Sec. 18. Section 18.102, Code 2003, is amended to read as
5 25 follows:

5 26 18.102 INDEX TO BILLS.

5 27 The secretary of the senate and the chief clerk of the
5 28 house shall throughout each legislative session compile and
5 29 cause to be printed a cumulative bulletin of bills and joint
5 30 resolutions which bulletin shall contain a brief history of
5 31 each bill, and detailed information as to the status of
5 32 legislation and shall be conveniently indexed. The bulletin
5 33 shall be printed and delivered one day before the ~~mid-term~~
5 34 ~~midterm~~ recess of each legislature and thereafter twenty-five
5 35 days after the end of ~~said the~~ recess except as may otherwise
6 1 be provided by the joint rules of the general assembly. The
6 2 last issue of each bulletin shall be brought down to the time
6 3 of final adjournment and shall be promptly furnished to all
6 4 members of the general assembly and to such others as the
6 5 ~~superintendent state printing administrator~~ may determine.

6 6 Sec. 19. Section 18.103, Code 2003, is amended to read as
6 7 follows:

6 8 18.103 ENROLLING CLERKS TO KEEP RECORDS.

6 9 The enrolling clerks of the senate and house shall, under
6 10 the directions of the secretary of the senate and house,
6 11 respectively, keep a daily cumulative record of the
6 12 information required in section 18.102 and in such manner that
6 13 the same may be promptly furnished to the ~~superintendent state~~
6 14 ~~printing administrator~~ at the close of each week.

6 15 Sec. 20. Section 29A.90, subsection 3, Code 2003, is
6 16 amended to read as follows:

6 17 3. "Military service" means full-time active state service
6 18 or state active duty, as defined in section 29A.1, for a
6 19 period of at least ninety consecutive days, commencing on or
6 20 after ~~the effective date of this division of this Act~~ April
6 21 22, 2002.

6 22 Sec. 21. Section 68B.39, unnumbered paragraph 1, Code
6 23 2003, is amended to read as follows:

6 24 The supreme court of this state shall prescribe rules ~~by~~
6 25 ~~January 1, 1993~~, establishing a code of ethics for officials
6 26 and employees of the judicial branch of this state, and the
6 27 immediate family members of the officials and employees.
6 28 Rules prescribed under this paragraph shall include provisions
6 29 relating to the receipt or acceptance of gifts and honoraria,
6 30 interests in public contracts, services against the state, and
6 31 financial disclosure which are substantially similar to the
6 32 requirements of this chapter.

6 33 Sec. 22. Section 70A.23, Code 2003, is amended to read as
6 34 follows:

6 35 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

7 1 When a state employee, excluding an employee covered under
7 2 a collective bargaining agreement which provides otherwise,
7 3 retires under a retirement system in the state maintained in
7 4 whole or in part by public contributions or payments, the
7 5 number of accrued days of active and banked sick leave of the
7 6 employee shall be credited to the employee. When an employee
7 7 retires, is eligible, and has applied for benefits under a
7 8 retirement system authorized under chapter 97A or 97B,
7 9 including the teachers insurance and annuity ~~association~~

7 10 (~~TIAA~~) and the college ~~association=college~~ retirement equities
7 11 fund (~~CREF~~) (~~TIAA=CREF~~), or an employee dies on or after July
7 12 1, 1984, while the employee is in active employment but is
7 13 eligible for retirement benefits under one of the listed
7 14 chapters, the employee shall receive a cash payment for the
7 15 employee's accumulated, unused sick leave in both the active
7 16 and banked sick leave accounts, except when, in lieu of cash
7 17 payment, payment is made for monthly premiums for health or
7 18 life insurance or both as provided in a collective bargaining
7 19 agreement negotiated under chapter 20. An employee of the
7 20 department of public safety or the department of natural
7 21 resources who has earned benefits of payment of premiums under
7 22 a collective bargaining agreement and who becomes a manager or
7 23 supervisor and is no longer covered by the agreement shall not
7 24 lose the benefits of payment of premium earned while covered
7 25 by the agreement. The payment shall be calculated by
7 26 multiplying the number of hours of accumulated, unused sick
7 27 leave by the employee's hourly rate of pay at the time of
7 28 retirement. However, the total cash payments for accumulated,
7 29 unused sick leave shall not exceed two thousand dollars per
7 30 employee and are payable upon retirement or death. Banked
7 31 sick leave is defined as accrued sick leave in excess of
7 32 ninety days.

7 33 Sec. 23. Section 70A.30, unnumbered paragraph 2, Code
7 34 2003, is amended to read as follows:

7 35 The phased retirement incentive program is a retirement
8 1 system for purposes of section 20.9, but is not retirement for
8 2 purposes of chapter 97A, 97B, or 602 or for the employees who
8 3 are members of the teachers insurance annuity association=
8 4 college retirement ~~equity equities~~ fund (~~TIAA=CREF~~).

8 5 Sec. 24. Section 80.17, subsection 3, Code 2003, is
8 6 amended to read as follows:

8 7 3. Division of criminal investigation ~~and bureau of~~
8 8 ~~identification~~.

8 9 Sec. 25. Section 80A.4, subsection 4, Code 2003, is
8 10 amended to read as follows:

8 11 4. The fingerprints required by subsection 1 may be
8 12 submitted by the department to the federal bureau of
8 13 investigation through the state ~~central~~ criminal history
8 14 repository for the purpose of a national criminal history
8 15 check.

8 16 Sec. 26. Section 80A.7, subsection 5, Code 2003, is
8 17 amended to read as follows:

8 18 5. An application for an identification card shall include
8 19 the submission of fingerprints of the person seeking the
8 20 identification card, which fingerprints may be submitted to
8 21 the federal bureau of investigation through the state ~~central~~
8 22 criminal history repository for the purpose of a national
8 23 criminal history ~~background~~ check. Fees associated with the
8 24 processing of fingerprints shall be assessed to the employing
8 25 licensee.

8 26 Sec. 27. Section 97B.66, unnumbered paragraph 1, Code
8 27 2003, is amended to read as follows:

8 28 A vested or retired member who was a member of the teachers
8 29 insurance and annuity ~~association=college association=college~~
8 30 retirement ~~equity equities~~ fund (~~TIAA=CREF~~) at any time
8 31 between July 1, 1967, and June 30, 1971, and who became a
8 32 member of the system on July 1, 1971, upon submitting
8 33 verification of service and wages earned during the applicable
8 34 period of service under the teachers insurance and annuity
8 35 ~~association=college association=college~~ retirement equities
9 1 fund, may make employer and employee contributions to the
9 2 system based upon the covered wages of the member and the
9 3 covered wages and the contribution rates in effect for all or
9 4 a portion of that period of service and receive credit for
9 5 membership service under this system equivalent to the
9 6 applicable period of membership service in the teachers
9 7 insurance and annuity ~~association=college association=college~~
9 8 retirement equities fund for which the contributions have been
9 9 made. In addition, a member making employer and employee
9 10 contributions because of membership in the teachers insurance
9 11 and annuity ~~association=college association=college~~ retirement
9 12 equities fund under this section who was a member of the
9 13 system on June 30, 1967, and withdrew the member's accumulated
9 14 contributions because of membership on July 1, 1967, in the
9 15 teachers insurance and annuity ~~association=college~~
9 16 ~~association=college~~ retirement equities fund, may make
9 17 employee contributions to the system for all or a portion of
9 18 the period of service under the system prior to July 1, 1967.
9 19 A member making contributions pursuant to this section may
9 20 make the contributions either for the entire applicable period

9 21 of service, or for portions of the period of service, and if
9 22 contributions are made for portions of the period of service,
9 23 the contributions shall be in increments of one or more
9 24 calendar quarters.

9 25 Sec. 28. Section 97B.73, subsection 1, paragraph a, Code
9 26 2003, is amended to read as follows:

9 27 a. A vested or retired member who has one or more full
9 28 calendar years of covered wages who was in public employment
9 29 comparable to employment covered under this chapter in another
9 30 state or in the federal government, or who was a member of
9 31 another public retirement system in this state, including but
9 32 not limited to the teachers insurance and annuity ~~association~~
~~9 33 college association-college~~ retirement equities fund (TIAA=
9 34 CREF), but who was not retired under that system, upon
9 35 submitting verification of membership and service in the other
10 1 public system to the division, including proof that the member
10 2 has no further claim upon a retirement benefit from that other
10 3 public system, may make contributions as provided by this
10 4 section to the system either for the entire period of service
10 5 in the other public system, or for partial service in the
10 6 other public system in increments of one or more calendar
10 7 quarters. If the member wishes to transfer only a portion of
10 8 the service value of another public system to this system and
10 9 the other public system allows a partial withdrawal of a
10 10 member's system credits, the member shall receive credit for
10 11 membership service in this system equivalent to the period of
10 12 service transferred from the other public system.

10 13 Sec. 29. Section 99D.8A, subsection 2, Code 2003, is
10 14 amended to read as follows:

10 15 2. An applicant shall submit pictures, fingerprints, and
10 16 descriptions of physical characteristics to the commission in
10 17 the manner prescribed on the application forms. The
10 18 fingerprints may be submitted to the federal bureau of
10 19 investigation by the department of public safety through the
10 20 state ~~central~~ criminal history repository for the purpose of a
10 21 national criminal history check.

10 22 Sec. 30. Section 99E.3, subsection 3, Code 2003, is
10 23 amended to read as follows:

10 24 3. The commissioner may employ, with the approval of the
10 25 director, clerks, stenographers, inspectors, agents, and other
10 26 employees pursuant to chapter 19A as necessary to carry out
10 27 this chapter, except as provided in section 99E.14. The
10 28 commissioner may require a background investigation to be
10 29 conducted in connection with the employment of lottery
10 30 employees. The board shall define, by rule, the employment
10 31 categories subject to investigation. The background
10 32 investigation by the division of criminal investigation of the
10 33 department of public safety may include a national criminal
10 34 history ~~record~~ check through the federal bureau of
10 35 investigation. The screening of lottery employees through the
11 1 federal bureau of investigation shall be conducted by
11 2 submission of fingerprints through the state criminal history
11 3 ~~record~~ repository to the federal bureau of investigation.

11 4 Sec. 31. Section 99E.9, subsection 2, Code 2003, is
11 5 amended to read as follows:

11 6 2. Subject to the approval of the board, the commissioner
11 7 may enter into contracts for the operation and marketing of
11 8 the lottery, except that the board may by rule designate
11 9 classes of contracts other than major procurements which do
11 10 not require prior approval by the board. A major procurement
11 11 shall be as the result of competitive bidding with the
11 12 contract being awarded to the responsible vendor submitting
11 13 the lowest and best proposal. However, before a contract for
11 14 a major procurement is awarded, the division of criminal
11 15 investigation of the department of public safety shall conduct
11 16 a thorough background investigation of the vendor to whom the
11 17 contract is to be awarded. The commissioner and board shall
11 18 consult with the division of criminal investigation and shall
11 19 provide, by rule, for the scope of the thorough background
11 20 investigations and due diligence with regard to the background
11 21 investigations to be conducted in connection with major
11 22 procurements. The vendor shall submit to the division of
11 23 criminal investigation appropriate investigation
11 24 authorizations to facilitate this investigation. The
11 25 background investigation by the division of criminal
11 26 investigation may include a national criminal history record
11 27 check through the federal bureau of investigation. The
11 28 screening of vendors or their employees through the federal
11 29 bureau of investigation shall be conducted by submission of
11 30 fingerprints through the state criminal history ~~record~~
11 31 repository to the federal bureau of investigation. As used in

11 32 this subsection, "major procurement" means consulting
11 33 agreements and the major procurement contract with a business
11 34 organization for the printing of tickets, or for purchase or
11 35 lease of equipment or services essential to the operation of a
12 1 lottery game.

12 2 Sec. 32. Section 99F.6, subsection 2, Code 2003, is
12 3 amended to read as follows:

12 4 2. An applicant shall submit pictures, fingerprints, and
12 5 descriptions of physical characteristics to the commission in
12 6 the manner prescribed on the application forms. The
12 7 fingerprints may be submitted to the federal bureau of
12 8 investigation by the department of public safety through the
12 9 state ~~central~~ criminal history repository for the purpose of a
12 10 national criminal history check.

12 11 Sec. 33. Section 103A.25, Code 2003, is amended to read as
12 12 follows:

12 13 103A.25 PRIOR RESOLUTIONS.

12 14 A resolution accepting the state building code as provided
12 15 in section 103A.7, which was adopted before ~~the effective date~~
12 16 ~~of this Act July 1, 1989~~, is an ordinance for the purpose of
12 17 this chapter.

12 18 Sec. 34. Section 135.78, Code 2003, is amended to read as
12 19 follows:

12 20 135.78 DATA TO BE COMPILED.

12 21 The department shall compile all relevant financial and
12 22 utilization data in order to have available the statistical
12 23 information necessary to properly monitor hospital and health
12 24 care facility charges and costs. Such data shall include
12 25 necessary operating expenses, appropriate expenses incurred
12 26 for rendering services to patients who cannot or do not pay,
12 27 all properly incurred interest charges, and reasonable
12 28 depreciation expenses based on the expected useful life of the
12 29 property and equipment involved. The department shall also
12 30 obtain from each hospital and health care facility a current
12 31 rate schedule as well as any subsequent amendments or
12 32 modifications of that schedule as it may require. In
12 33 collection of the data required by this section and sections
12 34 135.74 to 135.78 through 135.76, the department and other
12 35 state agencies shall coordinate their reporting requirements.

13 1 Sec. 35. Section 141A.7, subsection 2, paragraph a, Code
13 2 2003, is amended to read as follows:

13 3 a. The performance by a health care provider or health
13 4 facility of an HIV-related test when the health care provider
13 5 or health facility procures, processes, distributes, or uses a
13 6 human body part donated for a purpose specified under the
13 7 uniform anatomical gift Act as provided in chapter 142C, or
13 8 semen provided prior to July 1, 1988, for the purpose of
13 9 artificial insemination, or donations of blood, and such test
13 10 is necessary to ensure medical acceptability of such gift or
13 11 semen for the purposes intended.

13 12 Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003,
13 13 is amended to read as follows:

13 14 This section shall not apply to bodies given under
13 15 authority of the uniform anatomical gift Act as provided in
13 16 chapter 142C.

13 17 Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003,
13 18 is amended to read as follows:

13 19 This section shall not apply to bodies given under
13 20 authority of the uniform anatomical gift Act as provided in
13 21 chapter 142C.

13 22 Sec. 38. Section 142C.6, subsection 2, Code 2003, is
13 23 amended to read as follows:

13 24 2. If an anatomical gift is made to a designated donee,
13 25 the document of gift, or a copy, may be delivered to the donee
13 26 to expedite the appropriate procedures after the death of the
13 27 donor. The document of gift, or a copy, may be deposited in
13 28 any hospital, organ procurement organization, bank or storage
13 29 organization, or donor registry office that accepts the
13 30 document of gift for safekeeping or for the facilitation of
13 31 procedures after the death of the donor. If a document is
13 32 deposited by a donor in a hospital, donor registry office, or
13 33 bank or storage organization, the hospital, donor registry
13 34 office, or bank or storage organization may forward the
13 35 document to an organ procurement organization which will
14 1 retain the document for facilitating procedures following the
14 2 death of the donor. Upon request of a hospital, physician, or
14 3 surgeon, upon or after the donor's death, the person in
14 4 possession of the document of gift may allow the hospital,
14 5 physician, or surgeon to examine or copy the document of gift.

14 6 Sec. 39. Section 147.107, subsection 2, unnumbered
14 7 paragraph 1, Code 2003, is amended to read as follows:

14 8 A pharmacist, physician, dentist, or podiatric physician
14 9 who dispenses prescription drugs, including but not limited to
14 10 controlled substances, for human use, may delegate
14 11 nonjudgmental dispensing functions to staff assistants only
14 12 when verification of the accuracy and completeness of the
14 13 prescription is determined by the pharmacist or practitioner
14 14 in the pharmacist's or practitioner's physical presence.
14 15 However, the physical presence requirement does not apply when
14 16 a pharmacist or practitioner is utilizing an automated
14 17 dispensing system. When using an automated dispensing system
14 18 the pharmacist or practitioner shall utilize an internal
14 19 quality control assurance plan that ensures accuracy for
14 20 dispensing. Verification of automated dispensing accuracy and
14 21 completeness remains the responsibility of the pharmacist or
14 22 practitioner and shall be determined in accordance with rules
14 23 adopted by the ~~boards~~ state board of pharmacy examiners,
14 24 medicine, dentistry the state board of medical examiners, the
14 25 state board of dental examiners, and the state board of

14 26 podiatry examiners for their respective licensees.
14 27 Sec. 40. Section 163.30, subsection 2, unnumbered
14 28 paragraph 1, Code 2003, is amended to read as follows:

14 29 When used in this ~~chapter~~ subchapter:
14 30 Sec. 41. Section 172D.3, subsection 2, paragraph a, Code
14 31 2003, is amended to read as follows:

14 32 a. Exclusion for federally mandated requirements. This
14 33 section shall apply to the department's rules except for rules
14 34 required for delegation of the national pollutant discharge
14 35 elimination system permit program pursuant to the federal
15 1 Water Pollution Control Act, Title 33, United States Code,
15 2 chapter 126, as amended, and 40 ~~Code of Federal Regulations~~
15 3 C.F.R., Part pt. 124.

15 4 Sec. 42. Section 190C.1, subsection 18, Code 2003, is
15 5 amended to read as follows:

15 6 18. "Regional organic association" means a corporation
15 7 organized under ~~former~~ chapter 504, Code 1989, or chapter 504A
15 8 which has certifying members, elects its own officers and
15 9 directors, and is independent from the department.

15 10 Sec. 43. Section 230A.12, unnumbered paragraph 1, Code
15 11 2003, is amended to read as follows:

15 12 Each community mental health center established or
15 13 continued in operation pursuant to section 230A.3, shall be
15 14 organized under the Iowa nonprofit corporation Act appearing
15 15 as chapter 504A, except that a community mental health center
15 16 organized under former chapter 504 prior to July 1, 1974, and
15 17 existing under the provisions of chapter 504, Code 1989, shall
15 18 not be required by this chapter to adopt the Iowa nonprofit
15 19 corporation Act if it is not otherwise required to do so by
15 20 law. The board of directors of each such community mental
15 21 health center shall enter into an agreement with the county or
15 22 affiliated counties which are to be served by the center,
15 23 which agreement shall include but need not be limited to the
15 24 period of time for which the agreement is to be in force, what
15 25 services the center is to provide for residents of the county
15 26 or counties to be served, standards the center is to follow in
15 27 determining whether and to what extent persons seeking
15 28 services from the center shall be considered able to pay the
15 29 cost of the services received, and policies regarding
15 30 availability of the center's services to persons who are not
15 31 residents of the county or counties served by the center. The
15 32 board of directors, in addition to exercising the powers of
15 33 the board of directors of a nonprofit corporation may:

15 34 Sec. 44. Section 256A.3, subsection 11, Code 2003, is
15 35 amended by striking the subsection.

16 1 Sec. 45. Section 260C.14, subsection 1, Code 2003, is
16 2 amended to read as follows:

16 3 1. Determine the curriculum to be offered in such school
16 4 or college subject to approval of the director and ensure that
16 5 all vocational offerings are competency-based, provide any
16 6 minimum competencies required by the department of education,
16 7 comply with any applicable requirements in chapter 258, and
16 8 are articulated with local school district vocational
16 9 education programs. If an existing private educational or
16 10 vocational institution within the merged area has facilities
16 11 and curriculum of adequate size and quality which would
16 12 duplicate the functions of the area school, the board of
16 13 directors shall discuss with the institution the possibility
16 14 of entering into contracts to have the existing institution
16 15 offer facilities and curriculum to students of the merged
16 16 area. The board of directors shall consider any proposals
16 17 submitted by the private institution for providing such
16 18 facilities and curriculum. The board of directors may enter

16 19 into such contracts. In approving curriculum, the director
16 20 shall ascertain that all courses and programs submitted for
16 21 approval are needed and that the curriculum being offered by
16 22 an area school does not duplicate programs provided by
16 23 existing public or private facilities in the area. In
16 24 determining whether duplication would actually exist, the
16 25 ~~state board director~~ shall consider the needs of the area and
16 26 consider whether the proposed programs are competitive as to
16 27 size, quality, tuition, purposes, and area coverage with
16 28 existing public and private educational or vocational
16 29 institutions within the merged area. If the board of
16 30 directors of the merged area chooses not to enter into
16 31 contracts with private institutions under this subsection, the
16 32 board shall submit a list of reasons why contracts to avoid
16 33 duplication were not entered into and an economic impact
16 34 statement relating to the board's decision.

16 35 Sec. 46. Section 261.23, subsection 4, Code 2003, is
17 1 amended to read as follows:

17 2 4. A registered nurse shall be eligible for the registered
17 3 nurse loan repayment program if the registered nurse has
17 4 received from an accredited school of nursing located in this
17 5 state a collegiate or associate degree of nursing, a diploma
17 6 in nursing, or a graduate or equivalent degree in nursing and
17 7 agrees to practice in an eligible community in this state that
17 8 has agreed to provide additional funds for the registered
17 9 nurse's loan repayment. The contract for the loan repayment
17 10 shall stipulate the time period the registered nurse shall
17 11 practice in an eligible community in this state. In addition,
17 12 the contract shall stipulate that the registered nurse repay
17 13 any funds paid on the registered nurse's loan by the
17 14 commission if the registered nurse fails to practice in an
17 15 eligible community in this state for the required period of
17 16 time. For purposes of this subsection, "eligible community"
17 17 means a community that agrees to match state funds provided on
17 18 at least a dollar-for-dollar basis for the loan repayment of a
17 19 registered nurse who practices in the community.

17 20 Sec. 47. Section 272.2, subsection 14, paragraph a, Code
17 21 2003, is amended to read as follows:

17 22 a. The board may deny a license to or revoke the license
17 23 of a person upon the board's finding by a preponderance of
17 24 evidence that either the person has been convicted of a crime
17 25 or that there has been a founded report of child abuse against
17 26 the person. Rules adopted in accordance with this paragraph
17 27 shall provide that in determining whether a person should be
17 28 denied a license or that a practitioner's license should be
17 29 revoked, the board shall consider the nature and seriousness
17 30 of the founded abuse or crime in relation to the position
17 31 sought, the time elapsed since the crime was committed, the
17 32 degree of rehabilitation which has taken place since the
17 33 incidence of founded abuse or the commission of the crime, the
17 34 likelihood that the person will commit the same abuse or crime
17 35 again, and the number of founded abuses committed by or
18 1 criminal convictions by of the person involved.

18 2 Sec. 48. Section 284.3, subsection 2, paragraph a, Code
18 3 2003, is amended to read as follows:

18 4 a. By July 1, 2002, for purposes of comprehensive
18 5 evaluations for beginning teachers required to allow beginning
18 6 teachers to progress to career teachers, standards and
18 7 criteria that are the Iowa teaching standards specified in
18 8 subsection 1 and the model criteria for the Iowa teaching
18 9 standards developed by the department in accordance with
18 10 section 256.9, subsection 50. These standards and criteria
18 11 shall be set forth in an instrument provided by the
18 12 department. The comprehensive evaluation and instrument are
18 13 not subject to negotiations or grievance procedures pursuant
18 14 to chapter 20 or determinations made by the board of directors
18 15 under section 279.14. A local school board and its certified
18 16 bargaining representative may negotiate, pursuant to chapter
18 17 20, evaluation and grievance procedures for beginning teachers
18 18 that are not in conflict with this chapter. If, in accordance
18 19 with section 279.19, a beginning teacher appeals the
18 20 determination of a school board to an adjudicator under
18 21 section 279.17, the adjudicator selected shall have
18 22 successfully completed training related to the Iowa teacher
18 23 standards, the model criteria adopted by the state board of
18 24 education in accordance with subsection 3, ~~as enacted by this~~
~~18 25 Act,~~ and any additional training required under rules adopted
18 26 by the public employment relations board in cooperation with
18 27 the state board of education.

18 28 Sec. 49. Section 284.11, subsections 4, 5, and 7, Code
18 29 2003, are amended to read as follows:

18 30 4. Each participating district shall create its own design
18 31 for a team-based variable pay plan linked to the district's
18 32 comprehensive school improvement plan. The plan must include
18 33 attendance center student performance goals, student
18 34 performance levels, multiple indicators to determine progress
18 35 toward attendance center goals, and a system for providing
19 1 financial rewards. The team-based variable pay plan shall be
19 2 approved by the local board.

19 3 5. Each district team-based variable pay plan shall be
19 4 reviewed by the department. The department shall include a
19 5 review of the locally established goals, targeted levels of
19 6 improvement, assessment strategies, and financial reward
19 7 system.

19 8 7. The district team-based variable pay plan shall specify
19 9 how the funding received by the district for purposes of this
19 10 section is to be awarded to eligible staff in attendance
19 11 centers that meet or exceed their goals. The district shall
19 12 provide all attendance centers equal access to the available
19 13 funds. Moneys shall be released by the department to the
19 14 district only upon certification by the school board that an
19 15 attendance center has met or exceeded its goals.

19 16 Sec. 50. Section 304A.21, subsection 5, Code 2003, is
19 17 amended to read as follows:

19 18 5. "Nonprofit organization" means a corporation organized
19 19 under ~~former~~ chapter 504, Code 1989, or chapter 504A or which
19 20 holds a permit or certificate under ~~former~~ chapter 504, Code
19 21 1989, or chapter 504A to do business or conduct affairs in
19 22 this state.

19 23 Sec. 51. Section 308.1, Code 2003, is amended to read as
19 24 follows:

19 25 308.1 PLANNING COMMISSION.

19 26 The Mississippi parkway planning commission shall be
19 27 composed of ten members appointed by the governor, five
19 28 members to be appointed for two-year terms beginning July 1,
19 29 1959, and five members to be appointed for four-year terms
19 30 beginning July 1, 1959. In addition to the above members
19 31 there shall be seven advisory ex officio members who shall be
19 32 as follows: One member from the state transportation
19 33 commission, one member from the natural resource commission,
19 34 one member from the ~~Iowa~~ state soil conservation ~~commission~~
19 35 committee, one member from the state historical society of
20 1 Iowa, one member from the faculty of the landscape
20 2 architectural division of the Iowa State University of science
20 3 and technology, one member from the Iowa economic development
20 4 board, and one member from the environmental protection
20 5 commission. Members and ex officio members shall serve
20 6 without pay, but the actual and necessary expenses of members
20 7 and ex officio members may be paid if the commission so orders
20 8 and if the commission has funds available for that purpose.

20 9 Sec. 52. Section 321.178, subsection 1, paragraph c, Code
20 10 2003, is amended to read as follows:

20 11 c. Instruction relating to becoming an organ donor under
20 12 the uniform anatomical gift Act as provided in chapter 142C.

20 13 Sec. 53. Section 321.189, subsection 4, Code 2003, is
20 14 amended to read as follows:

20 15 4. SYMBOLS. Upon the request of a licensee, the
20 16 department shall indicate on the license the presence of a
20 17 medical condition, that the licensee is a donor under the
20 18 uniform anatomical gift ~~law~~ Act as provided in chapter 142C,
20 19 or that the licensee has in effect a medical advance
20 20 directive. For purposes of this subsection, a medical advance
20 21 directive includes, but is not limited to, a valid durable
20 22 power of attorney for health care as defined in section
20 23 144B.1. The license may contain such other information as the
20 24 department may require by rule.

20 25 Sec. 54. Section 331.427, subsection 2, paragraph k, Code
20 26 2003, is amended to read as follows:

20 27 k. For the use of a nonprofit historical society organized
20 28 under chapter 504, Code 1989, or chapter 504A, a city-owned
20 29 historical project, or both.

20 30 Sec. 55. Section 331.652, subsection 8, paragraph d, Code
20 31 2003, is amended to read as follows:

20 32 d. Civil ~~A civil~~ process ~~servers~~ server shall not be
20 33 considered to be a sheriff or a deputy sheriff for purposes of
20 34 this chapter or chapter 97B or 341A.

20 35 Sec. 56. Section 335.24, Code 2003, is amended to read as
21 1 follows:

21 2 335.24 CONFLICT WITH OTHER REGULATIONS.

21 3 If the regulations made under this chapter require a
21 4 greater width or size of yards, courts or other open spaces,
21 5 or require a lower height of building or less number of

21 6 stories, or require a greater percentage of lot to be left
21 7 unoccupied, or impose other higher standards than are required
21 8 in any other statute or local ordinance or regulation, the
21 9 regulations made under this chapter govern. If any other
21 10 statute or local ordinance or regulation requires a greater
21 11 width or size of yards, courts or other open spaces, or
21 12 requires a lower height of building or a less number of
21 13 stories, or a greater percentage of lot to be left unoccupied,
21 14 or imposes other higher standards than are required by the
21 15 regulations made under this chapter, the other statute or
21 16 local ordinance or regulation governs. If a regulation
21 17 proposed or made under this chapter relates to any structure,
21 18 building, dam, obstruction, deposit or excavation in or on the
21 19 flood plains of any river or stream, prior approval of the
21 20 department of ~~water, air and waste management~~ natural
21 21 resources is required to establish, amend, supplement, change,
21 22 or modify the regulation or to grant any variation or
21 23 exception from the regulation.

21 24 Sec. 57. Section 421B.11, unnumbered paragraph 3, Code
21 25 2003, is amended to read as follows:

21 26 Judicial review of the actions of the director may be
21 27 sought in accordance with ~~the terms of the Iowa administrative~~
21 28 ~~procedure Act chapter 17A~~, and section 422.55.

21 29 Sec. 58. Section 426B.1, subsection 2, Code 2003, is
21 30 amended to read as follows:

21 31 2. There is appropriated annually to the property tax
21 32 relief fund ~~for the indicated fiscal years~~ from the general
21 33 fund of the state ~~the following amounts:~~

21 34 ~~For the fiscal year beginning July 1, 1997, and succeeding~~
21 35 ~~fiscal years, ninety-five million dollars.~~

22 1 Sec. 59. Section 432.1, subsection 5, Code 2003, is
22 2 amended to read as follows:

22 3 5. Except as provided in subsection ~~4~~ 6, the premium tax
22 4 shall be paid on or before March 1 of the year following the
22 5 calendar year for which the tax is due. The commissioner may
22 6 suspend or revoke the license of a company or association that
22 7 fails to pay its premium tax on or before the due date.

22 8 Sec. 60. Section 455B.484, subsections 2 and 3, Code 2003,
22 9 are amended to read as follows:

22 10 2. Seek, receive, and accept funds in the form of
22 11 appropriations, grants, awards, wills, bequests, endowments,
22 12 and gifts for deposit into the waste management assistance
22 13 trust fund to be used for programs relating to the duties of
22 14 the department under this part.

22 15 3. Administer and coordinate the ~~land quality and waste~~
22 16 management assistance trust fund created under this part.

22 17 Sec. 61. Section 455B.488, Code 2003, is amended to read
22 18 as follows:

22 19 455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND
22 20 DISPOSITION.

22 21 The ~~division~~ department shall develop, sponsor, and assist
22 22 in conducting local, regional, or statewide programs for the
22 23 receipt or collection and proper management of hazardous
22 24 wastes from households and farms. In conducting such events
22 25 the ~~division~~ department may establish limits on the types and
22 26 amounts of wastes that will be collected, and may establish a
22 27 fee system for acceptance of wastes in quantities exceeding
22 28 the limits established pursuant to this section.

22 29 Sec. 62. Section 455B.518, subsection 4, Code 2003, is
22 30 amended to read as follows:

22 31 4. A toxics pollution prevention plan developed under this
22 32 section shall be reviewed by the ~~authority~~ department for
22 33 completeness, adequacy, and accuracy.

22 34 Sec. 63. Section 455H.208, Code 2003, is amended to read
22 35 as follows:

23 1 455H.208 PUBLIC PARTICIPATION.

23 2 Public participation shall be a required component of the
23 3 process for participants for all sites enrolled in the land
23 4 recycling program. The required level of public participation
23 5 shall vary depending on the conditions existing at a site. At
23 6 a minimum, the department shall notify all adjacent property
23 7 owners, occupants of adjacent property, and the city or county
23 8 in which the property is located of a site's enrollment in the
23 9 land recycling program and of the scope of work described in
23 10 the participation agreement, and give the notified parties the
23 11 opportunity to obtain updates regarding the status of
23 12 activities relating to the enrolled site in the land recycling
23 13 program. The notification shall not be required before the
23 14 participant has had the opportunity to collect basic
23 15 information characterizing the nature and extent of the
23 16 contamination, but the notification shall be required in a

23 17 timely manner allowing appropriate parties to have input in
23 18 the formulation of the response action. If contaminants from
23 19 the enrolled site have migrated off the enrolled site or are
23 20 likely to migrate off the enrolled site, as determined by the
23 21 department, the department shall notify by direct mailing all
23 22 potentially affected parties, including the city or county in
23 23 which the potentially affected property is located, and
23 24 officials in charge of any potentially impacted public water
23 25 supply and the notified parties shall be given opportunity to
23 26 comment on proposed response actions. The department may
23 27 require the participant of an enrolled site to publish public
23 28 notice in a local newspaper if widespread interest in the site
23 29 exists or is likely to exist as determined by the department.
23 30 The department shall consider reasonable comments from
23 31 potentially affected parties in determining whether to approve
23 32 or disapprove a proposed response action or site closure.

23 33 Sec. 64. Section 456A.19, unnumbered paragraphs 1 and 2,
23 34 Code 2003, are amended to read as follows:

23 35 All funds accruing to the fish and game protection fund,
24 1 except an equitable portion of the administration fund, shall
24 2 be expended solely in carrying on ~~the~~ fish and wildlife
24 3 activities. Expenditures incurred by the department in
24 4 carrying on the activities shall be only on authorization by
24 5 the general assembly.

24 6 The department shall by October 1 of each year submit to
24 7 the department of management for transmission to the general
24 8 assembly a detailed estimate of the amount required by the
24 9 department during the succeeding year for carrying on ~~the~~ fish
24 10 and wildlife activities. The estimate shall be in the same
24 11 general form and detail as required by law in estimates
24 12 submitted by other state departments.

24 13 Sec. 65. Section 456A.21, subsections 1 and 2, Code 2003,
24 14 are amended to read as follows:

24 15 1. A forestry management and enhancement fund is created
24 16 in the state treasury under the department's control. The
24 17 fund is composed of moneys deposited into the fund pursuant to
24 18 section 456A.20, moneys appropriated by the general assembly,
24 19 and moneys available to and obtained or accepted by ~~the~~
24 20 ~~division or~~ the department from the United States or private
24 21 sources for placement in the fund.

24 22 2. Moneys in the fund are subject to an annual audit by
24 23 the auditor of state. The fund is subject to warrants written
24 24 by the director of revenue and finance, drawn upon the written
24 25 requisition of the division department.

24 26 Sec. 66. Section 456A.21, subsection 3, paragraph a, Code
24 27 2003, is amended to read as follows:

24 28 a. Four forestry technicians who shall serve regions of
24 29 the state as designated by the division department.

24 30 Sec. 67. Section 459.102, subsection 29, Code 2003, is
24 31 amended to read as follows:

24 32 29. "Major water source" means a water source that is a
24 33 lake, reservoir, river, or stream located within the
24 34 territorial limits of the state, or any marginal river area
24 35 adjacent to the state, if the water source is capable of
25 1 supporting a floating vessel capable of carrying one or more
25 2 persons during a total of a six-month period in one out of ten
25 3 years, excluding periods of flooding, which has been
25 4 identified by rules adopted by the commission.

25 5 Sec. 68. Section 459.303, subsection 5, paragraph a,
25 6 unnumbered paragraph 1, Code 2003, is amended to read as
25 7 follows:

25 8 A confinement feeding operation meets threshold
25 9 requirements under this paragraph subsection if the
25 10 confinement feeding operation after construction of a proposed
25 11 confinement feeding operation structure would have a minimum
25 12 animal unit capacity of the following:

25 13 Sec. 69. Section 459.310, subsection 1, paragraph a, Code
25 14 2003, is amended to read as follows:

25 15 a. A confinement feeding operation structure shall not be
25 16 constructed closer than five hundred feet away from the
25 17 surface intake of an agricultural drainage well. A
25 18 confinement feeding operation structure shall not be
25 19 constructed closer than one thousand feet from a wellhead,
25 20 cistern of an agricultural drainage well, or known sinkhole.
25 21 However, the department may adopt rules requiring an increased
25 22 separation distance under this paragraph in order to protect
25 23 the integrity of a water of ~~this~~ the state. The increased
25 24 separation distance shall not be more than two thousand feet.
25 25 If the department exercises its discretion to increase the
25 26 separation distance requirement, the department shall not
25 27 approve an application for the construction of a confinement

25 28 feeding operation structure within that separation distance as
25 29 provided in section 459.303.

25 30 Sec. 70. Section 459.310, subsection 1, paragraph c,
25 31 subparagraph (2), Code 2003, is amended to read as follows:

25 32 (2) A major water source shall not be constructed,
25 33 expanded, or diverted, if the major water source as
25 34 constructed, expanded, or diverted is closer than one thousand
25 35 feet from a confinement feeding operation structure.

26 1 Sec. 71. Section 459.312, subsection 10, paragraph a,
26 2 subparagraph (2), subparagraph subdivision (b), subparagraph
26 3 subdivision part (i), Code 2003, is amended to read as
26 4 follows:

26 5 (i) The development of a comprehensive state nutrient
26 6 budget for the maximum volume, frequency, and concentration of
26 7 nutrients for each watershed that addresses all significant
26 8 sources of nutrients in a water of ~~this~~ the state on a
26 9 watershed basis.

26 10 Sec. 72. Section 459.604, subsection 1, unnumbered
26 11 paragraph 2, Code 2003, is amended to read as follows:

26 12 This subsection shall not apply unless the department of
~~26 13 natural resources~~ has previously notified the person of the
26 14 person's classification as a habitual violator. The
26 15 department shall notify persons classified as habitual
26 16 violators of their classification, additional restrictions
26 17 imposed upon the persons pursuant to their classification, and
26 18 special civil penalties that may be imposed upon the persons.
26 19 The notice shall be sent to the persons by certified mail.

26 20 Sec. 73. Section 466.5, subsection 4, unnumbered paragraph
26 21 1, Code 2003, is amended to read as follows:

26 22 When establishing a wetland under this ~~subsection~~ section,
26 23 the department of agriculture and land stewardship shall be
26 24 governed by the following requirements:

26 25 Sec. 74. Section 481B.5, subsections 2 through 4, Code
26 26 2003, are amended to read as follows:

26 27 2. The United States list of endangered or threatened
26 28 native fish and wildlife as contained in ~~the Code of Federal~~
~~26 29 Regulations, Title 50, part 50 C.F.R. pt. 17~~ as amended to
26 30 December 30, 1991.

26 31 3. The United States list of endangered or threatened
26 32 plants as contained in ~~the Code of Federal Regulations, Title~~
~~26 33 50, part 50 C.F.R. pt. 17~~ as amended to December 30, 1991.

26 34 4. The United States list of endangered or threatened
26 35 foreign fish and wildlife as contained in ~~the Code of Federal~~
~~27 1 Regulations, Title 50, part 50 C.F.R. pt. 17~~ as amended to
27 2 December 30, 1991.

27 3 Sec. 75. Section 490.825, subsection 3, Code 2003, is
27 4 amended to read as follows:

27 5 3. Sections 490.820 through 490.824 apply both to
27 6 committees of the board and to ~~their~~ committee members.

27 7 Sec. 76. Section 490.1701, subsection 1, Code 2003, is
27 8 amended to read as follows:

27 9 1. Except as provided in this subsection or chapter 504,
~~27 10 Code 1989~~, or chapter 504A, this chapter does not apply to or
27 11 affect entities subject to chapter 504 or 504A. Such entities
27 12 continue to be governed by all laws of this state applicable
27 13 to them before December 31, 1989, as those laws are amended.
27 14 This chapter does not derogate or limit the powers to which
27 15 such entities are entitled.

27 16 Sec. 77. Section 490A.1508, Code 2003, is amended to read
27 17 as follows:

27 18 490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

27 19 Membership interests of a professional limited liability
27 20 company shall be issued only to individuals who are licensed
27 21 to practice in any state a profession which the professional
27 22 limited liability company is authorized to practice.

27 23 Membership interests of a professional limited liability
27 24 company shall not at any time be issued in, transferred into,
27 25 or held in joint tenancy, tenancy in common, or any other form
27 26 of joint ownership or co-ownership. The Iowa uniform
27 27 securities Act as provided in chapter 502 shall not be
27 28 applicable to nor govern any transaction relating to any
27 29 membership interests of a professional limited liability
27 30 company.

27 31 Sec. 78. Section 504A.100, subsection 2, Code 2003, is
27 32 amended to read as follows:

27 33 2. This chapter shall not apply to any domestic
27 34 corporation heretofore organized or existing under the
27 35 provisions of chapter 504, ~~of the Code 1989~~, nor, for a period
28 1 of two years from and after July 4, 1965, to any foreign
28 2 corporation holding a permit under the provisions of said
28 3 chapter on the said date, unless such domestic or foreign

28 4 corporation shall voluntarily elect to adopt the provisions of
28 5 this chapter and shall comply with the procedure prescribed by
28 6 the provisions of subsection 3 of this section.

28 7 Sec. 79. Section 504B.1, Code 2003, is amended to read as
28 8 follows:

28 9 504B.1 CORPORATIONS APPLICABLE.

28 10 This chapter shall apply to every corporation organized
28 11 under chapter 504, Code 1989, or chapter 504A, which
28 12 corporation is deemed to be a private foundation as defined in
28 13 section 509 of the Internal Revenue Code, which is
28 14 incorporated in the state of Iowa after December 31, 1969, and
28 15 as to any such corporation organized in this state before
28 16 January 1, 1970, it shall apply only for its federal taxable
28 17 years beginning on or after January 1, 1972.

28 18 Sec. 80. Section 504B.6, unnumbered paragraph 1, Code
28 19 2003, is amended to read as follows:

28 20 Nothing in this chapter shall limit the power of any
28 21 nonprofit corporation organized under chapter 504, Code 1989,
28 22 or organized under chapter 504A:

28 23 Sec. 81. Section 514.1, unnumbered paragraph 1, Code 2003,
28 24 is amended to read as follows:

28 25 A corporation organized under ~~former~~ chapter 504, Code
28 26 1989, or chapter 504A for the purpose of establishing,
28 27 maintaining, and operating a nonprofit hospital service plan,
28 28 whereby hospital service may be provided by the corporation or
28 29 by a hospital with which it has a contract for service, to the
28 30 public who become subscribers to this plan under a contract
28 31 which entitles each subscriber to hospital service; or a
28 32 corporation organized for the purpose of establishing,
28 33 maintaining, and operating a plan whereby health care service
28 34 may be provided at the expense of this corporation, by
28 35 licensed physicians and surgeons, dentists, podiatric
29 1 physicians, osteopathic physicians, osteopathic physicians and
29 2 surgeons or chiropractors, to subscribers under contract,
29 3 entitling each subscriber to health care service, as provided
29 4 in the contract; or a corporation organized for the purpose of
29 5 establishing, maintaining, and operating a nonprofit
29 6 pharmaceutical service plan or optometric service plan,
29 7 whereby pharmaceutical or optometric service may be provided
29 8 by this corporation or by a licensed pharmacy with which it
29 9 has a contract for service, to the public who become
29 10 subscribers to this plan under a contract which entitles each
29 11 subscriber to pharmaceutical or optometric service; shall be
29 12 governed by this chapter and is exempt from all other
29 13 provisions of the insurance laws of this state, unless
29 14 specifically designated in this chapter, not only in
29 15 governmental relations with the state but for every other
29 16 purpose, and additions enacted after ~~the effective date of~~
29 17 ~~this chapter July 1, 1939~~, shall not apply to these
29 18 corporations unless they are expressly designated in the
29 19 additions.

29 20 Sec. 82. Section 514.2, Code 2003, is amended to read as
29 21 follows:

29 22 514.2 INCORPORATION.

29 23 Persons desiring to form a nonprofit hospital service
29 24 corporation, or a nonprofit medical service corporation, or a
29 25 nonprofit pharmaceutical or optometric service corporation
29 26 shall incorporate under the provisions of chapter 504, Code
29 27 1989, or chapter 504A, as supplemented and amended herein and
29 28 any acts amendatory thereof.

29 29 Sec. 83. Section 514.5, unnumbered paragraph 1, Code 2003,
29 30 is amended to read as follows:

29 31 A hospital service corporation organized under ~~former~~
29 32 chapter 504, Code 1989, or chapter 504A may enter into
29 33 contracts for the rendering of hospital service to any of its
29 34 subscribers with hospitals maintained and operated by the
29 35 state or any of its political subdivisions, or by any
30 1 corporation, association, or individual. Such hospital
30 2 service corporation may also contract with an ambulatory
30 3 surgical facility to provide surgical services to the
30 4 corporation's subscribers. Hospital service is meant to
30 5 include bed and board, general nursing care, use of the
30 6 operating room, use of the delivery room, ordinary medications
30 7 and dressings and other customary routine care. Ambulatory
30 8 surgical facility means a facility constructed and operated
30 9 for the specific purpose of providing surgery to patients
30 10 admitted to and discharged from the facility within the same
30 11 day.

30 12 Sec. 84. Section 542.7, subsection 8, unnumbered paragraph
30 13 1, Code 2003, is amended to read as follows:

30 14 The board, by rule, shall require as a condition ~~to~~ of

30 15 renewal of a permit to practice as a certified public
30 16 accounting firm, that an applicant undergo, no more frequently
30 17 than once every three years, a peer review conducted in such
30 18 manner as the board specifies. The review shall include a
30 19 verification that any individual in the firm who is
30 20 responsible for supervising attest and compilation services
30 21 and who signs or authorizes someone to sign the accountant's
30 22 report on a financial statement on behalf of the firm meets
30 23 the competency requirements set forth in the professional
30 24 standards for such services.

30 25 Sec. 85. Section 542.8, subsection 17, Code 2003, is
30 26 amended to read as follows:

30 27 17. The board, by rule, shall require as a condition ~~to~~ of
30 28 renewal of a permit to practice as a licensed public
30 29 accounting firm, that an applicant undergo, no more frequently
30 30 than once every three years, a peer review conducted in such
30 31 manner as the board specifies. The review shall include
30 32 verification that any individual in the firm who is
30 33 responsible for supervising compilation services and who signs
30 34 or authorizes someone to sign the accountant's report on a
30 35 financial statement on behalf of the firm meets the competency
31 1 requirements set forth in the professional standards for such
31 2 services. Such rules shall include reasonable provision for
31 3 compliance by an applicant showing that the applicant, within
31 4 the preceding three years, has undergone a peer review that is
31 5 a satisfactory equivalent to the peer review required under
31 6 this subsection. An applicant's completion of a peer review
31 7 program endorsed or supported by the national society of
31 8 accountants, or other substantially similar review as
31 9 determined by the board, satisfies the requirements of this
31 10 subsection.

31 11 Sec. 86. Section 544B.1, subsection 2, Code 2003, is
31 12 amended to read as follows:

31 13 2. ~~The "practice~~ "Practice of landscape architecture"
31 14 means the performance of professional services such as
31 15 consultations, investigations, reconnaissance, research,
31 16 planning, design, or responsible supervision in connection
31 17 with projects involving the arranging of land and the elements
31 18 thereon for public and private use and enjoyment, including
31 19 the alignment of roadways and the location of buildings,
31 20 service areas, parking areas, walkways, steps, ramps, pools
31 21 and other structures, and the grading of the land, surface and
31 22 subsoil drainage, erosion control, planting, reforestation,
31 23 and the preservation of the natural landscape and aesthetic
31 24 values, in accordance with accepted professional standards of
31 25 public health, welfare, and safety. This practice shall
31 26 include the location and arrangement of such tangible objects
31 27 and features as are incidental and necessary to the purposes
31 28 outlined in this chapter but shall not include the design of
31 29 structures or facilities with separate and self-contained
31 30 purposes for habitation or industry, or the design of public
31 31 streets and highways, utilities, storm and sanitary sewers,
31 32 and sewage treatment facilities, such as are ordinarily
31 33 included in the practice of engineering or architecture; and
31 34 shall not include the making of land surveys or final land
31 35 plats for official approval or recording. Nothing contained
32 1 in this chapter shall be construed as authorizing a
32 2 professional landscape architect to engage in the practice of
32 3 architecture, engineering, or land surveying.

32 4 Sec. 87. Section 554.9706, subsection 2, paragraph a, Code
32 5 2003, is amended to read as follows:

32 6 a. if the initial financing statement is filed before July
32 7 1, 2001, for the period provided in ~~former~~ section 554.9403,
32 8 ~~Code 2001~~, with respect to a financing statement; and

32 9 Sec. 88. Section 554.11103, Code 2003, is amended to read
32 10 as follows:

32 11 554.11103 TRANSITION TO THIS CHAPTER AS AMENDED == GENERAL
32 12 RULE.

32 13 Transactions validly entered into after July 4, 1966, and
32 14 before January 1, 1975, which were subject to the provisions
32 15 of this chapter prior to amendment and which would be subject
32 16 to this chapter as amended if they had been entered into on or
32 17 after January 1, 1975, and the rights, duties and interests
32 18 flowing from such transactions remain valid after January 1,
32 19 1975, and may be terminated, completed, consummated or
32 20 enforced as required or permitted by this chapter as amended.
32 21 Security interests arising out of such transactions which are
32 22 perfected on January 1, 1975, shall remain perfected until
32 23 they lapse or are terminated as provided in this chapter as
32 24 amended, and may be continued as permitted by this chapter as
32 25 amended, ~~except as stated in section 554.11105.~~

32 26 Sec. 89. Section 616.10, Code 2003, is amended to read as
32 27 follows:

32 28 616.10 INSURANCE COMPANIES.

32 29 Insurance companies may be sued in any county in which
32 30 their principal place of business is kept, or in which the
32 31 contract of insurance was made, or in which the loss insured
32 32 against occurred, or, in case of insurance against death or
32 33 disability, in the county of the domicile of the insured at
32 34 the time the loss occurred, or in the county of plaintiff's
32 35 residence. As used in this section the term "insurance
33 1 companies" includes nonprofit hospital service corporations
33 2 and nonprofit medical service corporations which have
33 3 incorporated under the provisions of chapter 504, Code 1989,
33 4 or chapter 504A.

33 5 Sec. 90. Section 618.5, Code 2003, is amended to read as
33 6 follows:

33 7 618.5 PERMISSIBLE SELECTION.

33 8 Publications may be made in a newspaper published at least
33 9 once a week ~~or oftener~~.

33 10 Sec. 91. Section 618.9, Code 2003, is amended to read as
33 11 follows:

33 12 618.9 DAYS OF PUBLICATION.

33 13 When the publication is in a newspaper which is published
33 14 ~~oftener than~~ more than once a week, the succeeding
33 15 publications of such notice shall be on the same day of the
33 16 week as the first publication. This section shall not apply
33 17 to any notice for the publication of which provision
33 18 inconsistent herewith is specially made.

33 19 Sec. 92. Section 633.63, subsection 3, Code 2003, is
33 20 amended to read as follows:

33 21 3. A private nonprofit corporation organized under chapter
33 22 504, Code 1989, or chapter 504A is qualified to act as a
33 23 guardian, as defined in section 633.3, subsection 20, or a
33 24 conservator, as defined in section 633.3, subsection 7, where
33 25 the assets subject to the conservatorship at the time when
33 26 such corporation is appointed conservator are less than or
33 27 equal to seventy-five thousand dollars and the corporation
33 28 does not possess a proprietary or legal interest in an
33 29 organization which provides direct services to the individual.

33 30 Sec. 93. Section 633.4214, subsection 3, paragraph c, Code
33 31 2003, is amended to read as follows:

33 32 c. This subsection does not apply to the following:

33 33 (1) A power held by the settlor's spouse who is the
33 34 trustee of a trust for which a marital deduction, as defined
33 35 in section 2056(b)(5) or 2523(e) of the Internal Revenue Code
34 1 of 1986, ~~that~~ was previously allowed.

34 2 (2) A trust that may be revoked or amended by the settlor.

34 3 (3) A trust, if contributions to the trust ~~which~~ qualify
34 4 for an annual exclusion under section 2503(c) of the Internal
34 5 Revenue Code of 1986.

34 6 Sec. 94. Section 637.601, unnumbered paragraph 1, Code
34 7 2003, is amended to read as follows:

34 8 For purposes of this ~~section~~ subchapter:

34 9 Sec. 95. Section 637.605, subsection 2, Code 2003, is
34 10 amended to read as follows:

34 11 2. The trustee appoints a disinterested person who, in ~~its~~
34 12 the person's sole discretion, but acting in a fiduciary
34 13 capacity, determines for the trustee the method to be used in
34 14 determining the fair market value of the trust, and which
34 15 assets, if any, are to be excluded in determining the unitrust
34 16 amount.

34 17 Sec. 96. Section 656.2, subsection 2, paragraph a,
34 18 unnumbered paragraph 11, Code 2003, is amended to read as
34 19 follows:

34 20 The request for notice shall be indexed ~~pursuant to section~~
34 21 ~~558.50~~.

34 22 Sec. 97. Section 709.19, subsection 1, Code 2003, is
34 23 amended to read as follows:

34 24 1. Upon the filing of an affidavit by a victim, or a
34 25 parent or guardian on behalf of a minor who is a victim, of a
34 26 crime ~~of that is~~ a sexual offense in violation of section
34 27 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,
34 28 709.15, or 709.16, ~~which that~~ states that the presence of or
34 29 contact with the defendant whose release from jail or prison
34 30 is imminent or who has been released from jail or prison
34 31 continues to pose a threat to the safety of the victim,
34 32 persons residing with the victim, or members of the victim's
34 33 immediate family, the court shall enter a temporary no-contact
34 34 order which shall require the defendant to have no contact
34 35 with the victim, persons residing with the victim, or members
35 1 of the victim's immediate family.

35 2 Sec. 98. Section 717D.1, Code 2003, is amended to read as
35 3 follows:

35 4 717D.1 DEFINITIONS.

35 5 As used in this chapter:

35 6 1. "Animal" means a nonhuman vertebrate.

35 7 2. "Contest animal" means a bull, bear, chicken, or dog.

35 8 3. "Contest device" means equipment designed to enhance a

35 9 contest animal's entertainment value during training or a

35 10 contest event, including a device to improve the contest

35 11 animal's competitiveness.

35 12 4. "Contest event" means a function organized for the
35 13 entertainment or profit of spectators where a contest animal
35 14 is injured, tormented, or killed, if the contest animal is a
35 15 bull involved in a bullfight or bull baiting, a bear involved
35 16 in bear baiting, a chicken involved in cock fighting, or a dog
35 17 involved in dog fighting.

35 18 5. "Establishment" means the location where a contest
35 19 event occurs or is to occur, regardless of whether a contest
35 20 animal is present at the establishment or the contest animal
35 21 is witnessed by means of an electronic signal transmitted to
35 22 the location.

35 23 6. "Livestock" means the same as defined in section 717.1.

35 24 7. "Local authority" means the same as defined in section
35 25 717B.1.

35 26 8. "Promoter" means a person who charges admission for
35 27 entry into an establishment or organizes, holds, advertises,
35 28 or otherwise conducts a contest event.

35 29 9. "Spectator" means a person who attends an establishment
35 30 for purposes of witnessing a contest event.

35 31 10. "Trainer" means a person who trains a contest animal
35 32 for purposes of engaging in a contest event, regardless of
35 33 where the contest event is located. A trainer includes a
35 34 person who uses a contest device.

35 35 11. "Transporter" means a person who moves a contest
36 1 animal for delivery to a training location or a contest event
36 2 location.

36 3 Sec. 99. Section 802.5, Code 2003, is amended to read as
36 4 follows:

36 5 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

36 6 If the ~~period~~ periods prescribed in sections 802.3 and
36 7 802.4 ~~has~~ have expired, prosecution may nevertheless be
36 8 commenced for any offense a material element of which is
36 9 either fraud or a breach of fiduciary obligation within one
36 10 year after discovery of the offense by an aggrieved party or
36 11 by a person who has legal duty to represent an aggrieved party
36 12 and who is not a party to the offense, but in no case shall
36 13 this provision extend the period of limitation otherwise
36 14 applicable by more than three years.

36 15 Sec. 100. Section 805.8A, subsection 3, paragraph e, Code
36 16 2003, is amended to read as follows:

36 17 e. For a violation of section 321.430, the scheduled
36 18 ~~violation fine~~ is thirty-five dollars.

36 19 Sec. 101. Section 805.8A, subsection 4, paragraph b, Code
36 20 2003, is amended to read as follows:

36 21 b. For a violation of section 321.216, the scheduled
36 22 ~~violation fine~~ is seventy-five dollars.

36 23 Sec. 102. Section 805.8A, subsection 10, paragraph b, Code
36 24 2003, is amended to read as follows:

36 25 b. For a violation under section 321.372, subsection 3,
36 26 the scheduled ~~violation fine~~ is one hundred dollars.

36 27 Sec. 103. Section 809A.14, subsection 4, unnumbered
36 28 paragraph 1, Code 2003, is amended to read as follows:

36 29 Notice of the issuance of a temporary restraining order and
36 30 an opportunity for a hearing shall be given to persons known
36 31 to have an interest in the property. A hearing shall be held
36 32 at the earliest possible date in accordance with ~~R.C.P. 326~~
36 33 rule of civil procedure 1.1507, and shall be limited to the
36 34 following issues:

36 35 Sec. 104. Section 907B.2, Article I, subsection 7, Code
37 1 2003, is amended to read as follows:

37 2 7. MEMBER. "Member" means the commissioner of a
37 3 compacting state or a designee, who shall be a person
37 4 officially connected with the commissioner.

37 5 Sec. 105. Section 907B.2, Article IV, subsection 10, Code
37 6 2003, is amended to read as follows:

37 7 10. To accept any and all donations and grants of money,
37 8 equipment, supplies, materials, and services, and to receive,
37 9 utilize, and dispose of the same.

37 10 Sec. 106. Section 907B.2, Article VII, subsection 7,
37 11 paragraph j, Code 2003, is amended to read as follows:

37 12 j. Mediation, arbitration and dispute resolution. The

37 13 existing rules governing the operation of the previous compact
37 14 superseded by this ~~Act~~ compact shall be null and void twelve
37 15 months after the first meeting of the interstate commission
37 16 created hereunder.

37 17 Sec. 107. 2002 Iowa Acts, chapter 1017, section 4, is
37 18 amended to read as follows:

37 19 SEC. 4. Section 331.602, subsection 13, Code Supplement
37 20 2001, is amended by striking the subsection.

37 21 Sec. 108. 2002 Iowa Acts, chapter 1093, section 3, is
37 22 amended by striking the section and inserting in lieu thereof
37 23 the following:

37 24 SEC. 3. Section 166D.10, subsection 4, paragraph b,
37 25 subparagraph (2), subparagraph subdivision (a), unnumbered
37 26 paragraph 1, Code 2001, is amended to read as follows:

37 27 Except as provided in this subparagraph, the owner of swine
37 28 shall vaccinate the swine with a modified-live differentiable
37 29 vaccine, prior to moving swine into the stage II county. ~~A~~
~~37 30 statistical sampling of the swine moved into a herd as~~
~~37 31 provided in this subparagraph shall be tested using a~~
~~37 32 differentiable test within thirty days after the swine is~~
~~37 33 moved to a herd in this state. If a swine reacts positively~~
~~37 34 to the test, the herd is an infected herd. A person is not~~
37 35 required to vaccinate swine prior to moving swine into the
38 1 stage II county ~~or test the swine after the swine has been~~
~~38 2 moved to a herd in the stage II county, if one of the~~

38 3 following applies:

38 4 Sec. 109. 2002 Iowa Acts, chapter 1119, section 108, is
38 5 amended to read as follows:

38 6 SEC. 108. Section 229.26, Code ~~Supplement~~ 2001, is amended
38 7 by striking the words "third edition,".

38 8 Sec. 110. 2002 Iowa Acts, chapter 1132, section 9, is
38 9 amended by striking the section and inserting in lieu thereof
38 10 the following:

38 11 SEC. 9. Section 368.11, unnumbered paragraph 4, Code
38 12 Supplement 2001, is amended to read as follows:

38 13 At least ~~ten~~ fourteen business days before a petition for
38 14 involuntary annexation is filed as provided in this section,
38 15 the petitioner shall make its intention known by sending a
38 16 letter of intent by certified mail to the council of each city
38 17 whose urbanized area contains a portion of the territory, the
38 18 board of supervisors of each county which contains a portion
38 19 of the territory, the regional planning authority of the
38 20 territory involved, each affected public utility, and to each
38 21 property owner listed in the petition. The written
38 22 notification shall include notice that the petitioners shall
38 23 hold a public meeting on the petition for involuntary
38 24 annexation prior to the filing of the petition.

38 25 Sec. 111. 2002 Iowa Acts, chapter 1140, section 28, is
38 26 amended by striking the section and inserting in lieu thereof
38 27 the following:

38 28 SEC. 28. Section 285.12, Code Supplement 2001, is amended
38 29 to read as follows:

38 30 285.12 DISPUTES == HEARINGS AND APPEALS.

38 31 In the event of a disagreement between a school patron and
38 32 the board of the school district, the patron if dissatisfied
38 33 with the decision of the district board, may appeal ~~the same~~
38 34 to the area education agency board, notifying the secretary of
38 35 the district in writing within ten days of the decision of the
39 1 board and by filing an affidavit of appeal with the agency
39 2 board within the ten-day period. The affidavit of appeal
39 3 shall include the reasons for the appeal and points at issue.
39 4 The secretary of the local board on receiving notice of appeal
39 5 shall certify all papers to the agency board which shall hear
39 6 the appeal within ten days of the receipt of the papers and
39 7 decide it within three days of the conclusion of the hearing
39 8 and shall immediately notify all parties of its decision.
39 9 Either party may appeal the decision of the agency board to
39 10 the director of the department of education by notifying the
39 11 opposite party and the agency administrator in writing within
39 12 five days after receipt of notice of the decision of the
39 13 agency board and by filing with the director of the department
39 14 of education an affidavit of appeal, reasons for appeal, and
39 15 the facts involved in the disagreement within five days after
39 16 receipt of notice of the decision of the agency board. The
39 17 agency administrator shall, within ten days of said receipt of
39 18 the notice, file with the director all records and papers
39 19 pertaining to the case, including action of the agency board.
39 20 The director shall hear the appeal within fifteen days of the
39 21 filing of the records in the director's office, notifying all
39 22 parties and the agency administrator of the date and time of
39 23 hearing. The director shall ~~forthwith decide the same and~~

39 24 notify all parties of the decision and return all papers with
39 25 a copy of the decision to the agency administrator. The
39 26 decision of the director shall be subject to judicial review
39 27 in accordance with ~~the terms of the Iowa administrative~~
~~39 28 procedure Act chapter 17A~~. Pending final order made by the
39 29 director, upon any appeal prosecuted to such director, the
39 30 order of the agency board from which the appeal is taken shall
39 31 be operative and be in full force and effect.

39 32 Sec. 112. 2002 Iowa Acts, chapter 1149, section 2, is
39 33 amended by striking the section and inserting in lieu thereof
39 34 the following:

39 35 SEC. 2. Section 137F.6, Code 2001, is amended by adding
40 1 the following new subsection:

40 2 NEW SUBSECTION. 7. For a farmers market where potentially
40 3 hazardous food is sold or distributed, one seasonal license
40 4 fee of one hundred dollars for each vendor on a countywide
40 5 basis.

40 6 Sec. 113. 2002 Iowa Acts, chapter 1175, section 41, the
40 7 bill section amending clause, is amended to read as follows:

40 8 Section 546.10, subsection 3, unnumbered paragraph 2, if
40 9 enacted by 2002 Iowa Acts, Senate File 2326, section 32, is
40 10 amended to read as follows:

40 11 Sec. 114. 2001 Iowa Acts, chapter 55, section 31, is
40 12 amended by striking the section and inserting in lieu thereof
40 13 the following:

40 14 SEC. 31. Section 502.102, subsection 11, paragraph c,
40 15 subparagraphs (3) and (4), Code 2001, are amended to read as
40 16 follows:

40 17 (3) An attorney licensed to practice law in this state, a
40 18 certified public accountant licensed pursuant to chapter ~~542C~~
40 19 542D, a professional engineer licensed pursuant to chapter
40 20 542B, or a certified teacher, if the person's performance of
40 21 these services is solely incidental to the practice of the
40 22 person's profession.

40 23 (4) An attorney licensed to practice law in this state or
40 24 a certified public accountant licensed pursuant to chapter
40 25 ~~542C~~ 542D who does not do any of the following:

40 26 (a) Exercise investment discretion regarding the assets of
40 27 a client or maintain custody of the assets of a client for the
40 28 purpose of investing the assets, except when the person is
40 29 acting as a bona fide fiduciary in a capacity such as an
40 30 executor, administrator, trustee, estate or trust agent,
40 31 guardian, or conservator.

40 32 (b) Accept or receive directly or indirectly any
40 33 commission, fee, or other remuneration contingent upon the
40 34 purchase or sale of any specific security by a client of such
40 35 person.

41 1 (c) Provide advice regarding the purchase or sale of
41 2 specific securities. However, this subparagraph subdivision
41 3 (c) shall not apply when the advice about specific securities
41 4 is based on a financial statement analysis or tax
41 5 considerations that are reasonably related to and in
41 6 connection with the person's profession.

41 7 Sec. 115. Sections 513C.3, 514E.1, 514I.1 through 514I.9,
41 8 and 514I.11, Code 2003, are amended by striking the term
41 9 "HAWK=I" and inserting in lieu thereof the term "hawk=i". The
41 10 Code editor is directed to replace the term "HAWK=I" with the
41 11 term "hawk=i" in any other statute contained in the 2003 Code
41 12 or which is amended or enacted in other legislation enacted
41 13 during the 2003 Session of the 80th General Assembly. The
41 14 Code editor is further directed to make the same replacement
41 15 in statutes appearing in any legislation that was enacted
41 16 prior to the 2003 Session of the 80th General Assembly, but
41 17 that will be codified on or after the effective date of this
41 18 Act.

41 19 Sec. 116. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.
41 20 1. The amendment in this Act to section 29A.90, subsection
41 21 3, Code 2003, is retroactively applicable to April 22, 2002.

41 22 2. The section of this Act amending 2002 Iowa Acts,
41 23 chapter 1093, section 3, takes effect upon enactment and is
41 24 retroactively applicable to April 8, 2002.

41 25 3. The sections of this Act amending 2002 Iowa Acts,
41 26 chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132,
41 27 section 9, take effect upon enactment and are retroactively
41 28 applicable to July 1, 2002.

41 29 4. The sections of this Act amending 2002 Iowa Acts,
41 30 chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149,
41 31 section 2, take effect upon enactment and are retroactively
41 32 applicable to May 2, 2002.

41 33 5. This section is effective upon enactment.

41 34 EXPLANATION

41 35 This bill makes Code changes and corrections that are
42 1 considered to be nonsubstantive and noncontroversial, in
42 2 addition to style changes. Changes made include updating or
42 3 correcting various names of and references to public and
42 4 private entities and funds, correcting internal Code and
42 5 subject matter references, and making various grammatical
42 6 corrections. Code sections in which the technical,
42 7 grammatical, and other nonsubstantive changes are made include
42 8 the following:

42 9 Code sections 9H.1, 9H.4, 10B.1, 15E.11, 190C.1, 230A.12,
42 10 304A.21, 331.427, 490.1701, 504A.100, 504B.1, 504B.6, 514.1,
42 11 514.2, 514.5, 616.10, and 633.63: Adds references to the 1989
42 12 version of the Iowa Code after references to former chapter
42 13 504, which related to nonprofit corporations and was repealed
42 14 by 1990 Iowa Acts, chapter 1164, and adds, in some cases, the
42 15 word "chapter" before references to Code chapter 504A, the
42 16 current Iowa nonprofit corporation Act.

42 17 Code section 9H.1: Adds a chapter citation following a
42 18 reference to the Iowa probate code in Iowa's corporate farming
42 19 chapter.

42 20 Code section 15E.42: Substitutes a codified section number
42 21 for a reference to an enacted House File in a provision
42 22 defining the Iowa capital investment board.

42 23 Code section 15E.111: Updates references to the former
42 24 senate standing committee on small business, economic
42 25 development, and tourism and the former house of
42 26 representatives standing committee on economic development to
42 27 references to the senate and house standing committees on
42 28 economic growth.

42 29 Code sections 18.80, 18.81, 18.83 through 18.86, 18.88,
42 30 18.92, 18.102, and 18.103: Replaces "superintendent" with
42 31 "state printing administrator" to conform with a Code editor
42 32 directive contained in 1998 Iowa Acts, chapter 1164, section
42 33 40.

42 34 Code section 29A.90: Substitutes "April 22, 2002," for the
42 35 phrase "effective date of this division of this Act" in a
43 1 provision defining "military service" for purposes of
43 2 calculating when military personnel are granted limited relief
43 3 in cases involving civil suits or judgments. The bill also
43 4 makes the provision retroactively applicable to that date.

43 5 Code section 68B.39: Eliminates an obsolete date by which
43 6 the Iowa supreme court was required to prescribe rules
43 7 establishing a code of ethics for its officials and employees.

43 8 Code sections 70A.23, 70A.30, 97B.66, and 97B.73: Corrects
43 9 the name of the retirement fund TIAA-CREF in several Code
43 10 provisions relating to benefits for retired state officers and
43 11 employees.

43 12 Code section 80.17: Corrects the name of the division of
43 13 criminal investigation in provision setting out the divisions
43 14 of the department of public safety.

43 15 Code sections 80A.4, 80A.7, 99D.8A, 99E.3, 99E.9, and
43 16 99F.6: Standardizes the names of the state criminal history
43 17 repository and the national criminal history check in
43 18 provisions relating to license requirements and identification
43 19 cards for private investigators and security agencies,
43 20 licensure of racetracks, employment of personnel of the
43 21 lottery division of the department of revenue and finance, the
43 22 Iowa lottery board and the commissioner of the lottery, and
43 23 licensure of gambling boats.

43 24 Code section 103A.25: Treats a resolution adopting the
43 25 state building code as an ordinance if the resolution was
43 26 adopted prior to July 1, 1989, and substitutes that date for
43 27 the phrase referring to "this Act".

43 28 Code section 135.78: Removes a reference to repealed Code
43 29 section 135.77 and removes Code section 135.78 from the list
43 30 of sections referred to, substituting the words "this
43 31 section", regarding health facility data compiled by the
43 32 department of public health.

43 33 Code sections 141A.7, 142.4, 142.8, 321.178, and 321.189:
43 34 Adds a citation to Code chapter 142C to provisions referencing
43 35 the uniform anatomical gift Act. The provisions amended
44 1 relate to HIV test results and other information involved in
44 2 HIV-related testing, the surrender of dead bodies delivered to
44 3 medical schools for scientific purposes, restrictions upon the
44 4 transportation of dead bodies out of state, informing student
44 5 drivers about becoming organ donors, and a requirement that a
44 6 person's driver's license may include a notice that the person
44 7 is an organ donor under the Act.

44 8 Code section 142C.6, subsection 2: Conforms references to
44 9 entities authorized to deposit a document of anatomical gift
44 10 to language used earlier in the subsection.

44 11 Code section 147.107: Corrects terminology for the various
44 12 boards of examiners regarding drug dispensing, supplying, and
44 13 prescribing.

44 14 Code section 163.30: Changes reference from "chapter" to
44 15 "subchapter" regarding the applicability of certain
44 16 definitions relating to importation of swine.

44 17 Code sections 172D.3 and 481B.5: Changes the style of
44 18 citation of the federal code of regulations to be consistent
44 19 throughout the Code. State law exceptions for feedlots
44 20 complying with federal regulations, standards for margarine
44 21 based on federal regulations, prohibitions regarding
44 22 possessing or dealing in threatened or endangered species as
44 23 provided by federal regulations, and exemptions from state law
44 24 governing prize promotions for persons regulated by the
44 25 federal trade commission.

44 26 Code section 256A.3, subsection 11: Strikes a reference to
44 27 the Code chapter creating the family resource demonstration
44 28 program which was repealed in 2001.

44 29 Code section 260C.14: Replaces the term "state board" with
44 30 "director" regarding proposed community college programs to be
44 31 consistent with changes made in 2002 legislation.

44 32 Code section 261.23: Corrects a reference to the
44 33 registered nurse loan repayment program.

44 34 Code section 272.2, subsection 14, paragraph "a":
44 35 Substitutes correct prepositions to improve grammatical usage.

45 1 Code section 284.3: Strikes inconsequential phrase "as
45 2 enacted by this Act".

45 3 Code section 284.11: Corrects references to team-based
45 4 variable pay plan regarding the pilot program for team-based
45 5 variable pay for student achievement.

45 6 Code section 308.1: Corrects a reference to the state soil
45 7 conservation committee which is established in Code section
45 8 161A.4.

45 9 Code section 331.652: Uses the singular noun to refer to a
45 10 civil process server who is not to be considered a county
45 11 sheriff for certain purposes.

45 12 Code section 335.24: Deletes an obsolete reference to the
45 13 former department of water, air, and waste management in a
45 14 county zoning Code chapter. The department was replaced by
45 15 the department of natural resources in 1986.

45 16 Code section 421B.11: Changes "the terms of the Iowa
45 17 administrative procedure Act" to "chapter 17A" to make
45 18 references to that chapter uniform in the Code.

45 19 Code section 426B.1: Consolidates two paragraphs into one
45 20 paragraph in a provision relating to an annual appropriation
45 21 from the property tax relief fund to remove an unneeded fiscal
45 22 year destination.

45 23 Code section 432.1: Corrects an internal reference to a
45 24 subsection renumbered in 2002 relating to the insurance
45 25 premiums tax.

45 26 Code section 455B.484: Corrects two references to the
45 27 "waste management assistance trust fund".

45 28 Code sections 455B.488 and 455B.518: Substitutes
45 29 "department", meaning the department of natural resources, for
45 30 "division" and "authority", in language which referred to the
45 31 waste management assistance division and the waste management
45 32 authority within the department in 2002 eliminating Code
45 33 references to specific divisions within the department.

45 34 Code section 455H.208: Corrects reference to officials "in
45 35 charge" of a public water supply in a provision requiring
46 1 public participation in the process for enrolling and
46 2 remediating property in the land recycling program.

46 3 Code section 456A.19: Removes the definite article "the"
46 4 in referring to general fish and wildlife activities relating
46 5 to usage of funds in the fish and game protection fund.

46 6 Code section 456A.21: Eliminates a reference to the
46 7 forests and prairies division of the department of natural
46 8 resources and substitutes "department" for "division" to
46 9 conform to legislation in 2002 eliminating Code references to
46 10 specific divisions within the department.

46 11 Code section 459.102(29): Corrects punctuation relating to
46 12 a subordinate clause in the definition of "major water
46 13 source".

46 14 Code section 459.303(5)(a): Corrects a reference to "this
46 15 paragraph" to read "this subsection" in provision relating to
46 16 permit requirements for confinement feeding operations.

46 17 Code sections 459.310(1)(a) and 459.312(10)(a)(2)(b)(i):
46 18 Changes references to a water of "this" state to refer to a
46 19 water of "the" state to conform to the definition of "water of
46 20 the state" in Code chapter 459.

46 21 Code section 459.310(1)(c): Inserts "feeding" between

46 22 "confinement" and "operation structure". The defined term is
46 23 "confinement feeding operation structure".
46 24 Code section 459.604: Changes "department of natural
46 25 resources" to the defined term "department".
46 26 Code section 466.5: Corrects a reference to "this
46 27 subsection" to read "this section" in provision relating to
46 28 establishment of a wetland by the department of agriculture
46 29 and land stewardship.
46 30 Code section 490.825: Makes a grammatical change to
46 31 clarify that both the committees and the committee members are
46 32 subject to certain requirements.
46 33 Code section 490A.1508: Adds a citation to Code chapter
46 34 502 in a provision referencing the Iowa uniform securities Act
46 35 and transactions involving membership interests of a
47 1 professional limited liability company.
47 2 Code section 514.1: Substitutes the actual date, July 1,
47 3 1939, for the words "the effective date of this chapter".
47 4 Code sections 542.7 and 542.8: Substitutes "of" for "to"
47 5 in provisions relating to the licensing of public accountants
47 6 and public accounting firms.
47 7 Code section 544B.1: Substitutes "Practice" for "The
47 8 practice" in definitional section of landscape architecture
47 9 licensing chapter.
47 10 Code section 554.9706: Specifies that a reference to
47 11 "former section 554.9403" means "section 554.9403, Code 2001".
47 12 Code section 554.11103: Strikes a cross-reference to
47 13 repealed Code section 554.11105.
47 14 Code sections 618.5 and 618.9: Improves out-of-date
47 15 grammatical constructions by replacing the word "oftener" with
47 16 "at least" or "more than".
47 17 Code section 633.4214: Makes grammatical corrections in
47 18 provisions relating to fiduciary duties of trustees.
47 19 Code sections 637.601 and 637.605: Substitutes the term
47 20 "subchapter" for "section" with respect to the applicability
47 21 of definitions and the term "the person's" for "its" in
47 22 provisions relating to total return unitrusts.
47 23 Code section 656.2: Strikes a cross-reference to repealed
47 24 Code section 558.50.
47 25 Code section 709.19: Makes a grammatical correction in a
47 26 provision relating to no-contact orders upon a defendant's
47 27 release from jail or prison.
47 28 Code section 717D.1: Specifies the applicability of
47 29 definitions for Code chapter 717D relating to animal contest
47 30 events.
47 31 Code section 802.5: Makes grammatical corrections in a
47 32 provision relating to limitations on criminal actions.
47 33 Code section 805.8A: Substitutes the word "fine" for
47 34 "violation" in provision relating to motor vehicle and
47 35 transportation scheduled violations.
48 1 Code section 809A.14: Updates a reference to a rule of
48 2 civil procedure. The rules of civil procedure were renumbered
48 3 effective February 15, 2002, as part of the publication of the
48 4 fourth edition of those rules. Former rule 326 is now rule
48 5 1.1507.
48 6 Code section 907B.2: Improves grammatical construction and
48 7 substitutes the word "compact" for "Act" in provision relating
48 8 to the interstate compact for adult offender supervision.
48 9 2002 Iowa Acts, chapters 1017 and 1119: Amends the lead-in
48 10 to two bill sections which incorrectly cite Code 2001 or Code
48 11 Supplement 2001.
48 12 2002 Iowa Acts, chapter 1093, section 3: Changes the lead-in
48 13 in of this Act's provision to reflect that only unnumbered
48 14 paragraph 1 was amended, rather than all of subparagraph
48 15 subdivision (a). This section of the bill takes effect upon
48 16 enactment and is retroactively applicable to April 8, 2002.
48 17 2002 Iowa Acts, chapter 1132, section 9: Adds "Supplement"
48 18 to the lead-in. This section of the bill takes effect upon
48 19 enactment and is retroactively applicable to July 1, 2002.
48 20 2002 Iowa Acts, chapter 1140, section 28: Adds
48 21 "Supplement" to the lead-in. This section of the bill takes
48 22 effect upon enactment and is retroactively applicable to May
48 23 2, 2002.
48 24 2002 Iowa Acts, chapter 1149, section 2: Strikes
48 25 "Supplement" in lead-in. This section of the bill takes
48 26 effect upon enactment and is retroactively applicable to May
48 27 2, 2002.
48 28 2002 Iowa Acts, chapter 1175: Amends the lead-in to a bill
48 29 section by identifying the year and legislative session in
48 30 which a bill was passed by the general assembly.
48 31 2001 Iowa Acts, chapter 55: Amends a bill section by
48 32 inserting the remaining portion of a Code section

48 33 inadvertently omitted from the bill.
48 34 Capitalization change:
48 35 Code sections 513C.3, 514E.1, 514I.1 through 514I.9, and
49 1 514I.11: Strikes the capitalized version of the acronym for
49 2 the healthy and well kids in Iowa program and substitutes
49 3 lower=case version.
49 4 LSB 2096SC 80
49 5 lh/cf/24